

S/N 10/830,189

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian S. Kelleher, et al.  
Serial No.: 10/830,189  
Filed: April 21, 2004  
Title: Electromyography System

Examiner: Unknown  
Group Art Unit: 3736  
Docket: 028US2

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the referenced materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to **Deposit Account No. 50-2040** in order to have this Supplemental Information Disclosure Statement considered. The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided,

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Serial No : 10/830,189

Filing Date: April 21, 2004

Title: Electromyography System

Page 2  
Dkt: 028US2

Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2)

Respectfully submitted,

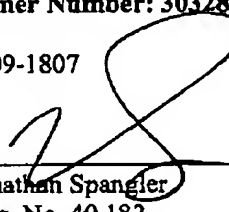
BRIAN S. KELLEHERBRIAN S. KELLEHER ET AL.

By their Representatives,

Customer Number: 30328

858-909-1807

Date 11-7-2005

By   
Jonathan Spangler  
Reg. No. 40,182

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of November, 2005.

Kyrstin Ryan  
Name

Kyrstin Ryan  
Signature

BEST AVAILABLE COPY



*IFW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian S. Kelleher, et al.

Title: Electromyography System

Docket No.: 028US2

Serial No.: 10/830,189

Filed: April 21, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 3736

**MS Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard and this transmittal document.

☒ A Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 14 cited documents.

Customer Number: 30328

By

*[Signature]*  
Jonathan Spangler  
Reg. No. 40,182

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of November, 2005.

*Kyrstin Ryan*  
Name

*Kyrstin Ryan*  
Signature

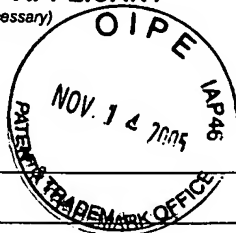
(GENERAL)

**BEST AVAILABLE COPY**

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Sheet 1 of 2

Complete if Known

Application Number	10/830,189
Filing Date	April 21, 2004
First Named Inventor	Kelleher, Brian
Group Art Unit	3736
Examiner Name	Unknown

Attorney Docket No: 028US2

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-1548184	08/04/1925	Cameron, W. J.	04/11/1923
	US-20050004623A1	01/06/2005	Miles, P. et al.	04/30/2004
	US-20050075578A1	04/07/2005	Gharib, J. et al.	03/25/2004
	US-20050182454A1	08/18/2005	Gharib, J. et al.	01/09/2004
	US-2808826	10/08/1957	Reiner, S. et al.	01/19/1956
	US-4164214	08/14/1979	Stark, M. M., et al.	07/25/1977
	US-4461300	07/24/1984	Christensen, J. M.	01/18/1982
	US-5480440	01/02/1996	Kambin, P.	07/07/1993
	US-5728046	03/17/1998	Mayer, H. M., et al.	03/18/1996
	US-5759159	06/01/1998	Masreliez, C. J.	
	US-5785658	07/28/1998	Benaron	
	US-5862314	01/19/1999	Jeddeloh	
	US-5872314	02/16/1999	Clinton	
	US-5928139	07/27/1999	Koros, T. B.	07/08/1998
	US-6206826	03/27/2001	Mathews, H. et al.	06/18/1999
	US-6334068	12/25/2001	Hacker, D. C.	09/14/1999
	US-6760616	07/06/2004	Hoey, M. F., et al.	05/18/2001
	US-6902569	06/07/2005	Parmer, K. et al.	06/26/2003

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	WO-03037170A3	05/08/2003	Miles, P., et al.	
	WO-05013805A3	02/17/2005	Miles, P., et al.	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-Issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Brackmann II EMG System", <u>Medical Electronics</u> , (1999), 4 pages	
		"Neurovision SE Nerve Locator/Monitor", <u>RLN Systems, Inc. Operators Manual</u> , (1999), 22 pages	
		"The Brackmann II EMG Monitoring System", <u>Medical Electronics Co. Operator's Manual Version 1.1</u> , (1995), 50 pages	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	10/830,189
<b>Filing Date</b>	April 21, 2004
<b>First Named Inventor</b>	Kelleher, Brian
<b>Group Art Unit</b>	3736
<b>Examiner Name</b>	Unknown

Sheet 2 of 2

Attorney Docket No: 028US2

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"The Nicolet Viking IV", Nicolet Biomedical Products, (1999), 6 pages	
		ANDERSON, D. G., et al., "Pedicle screws with high electrical resistance: a potential source of error with stimulus-evoked EMG", <u>Spine</u> , 27(14), Department of Orthopaedic Surgery, University of Virginia, (Jul 15, 2002), 1577-1581	
		DANESH-CLOUGH, T., et al., "The use of evoked EMG in detecting misplaced thoracolumbar pedicle screws", <u>Spine</u> , 26(12), Orthopaedic Department, Dunedin Hospital, (Jun 15, 2001), 1313-1316	
		DARDEN, B. V., et al., "A comparison of impedance and electromyogram measurements in detecting the presence of pedicle wall breakthrough", <u>Spine</u> , 23(2), Charlotte Spine Center, North Carolina, (Jan 15, 1998), 256-262	
		EBRAHEIM, N. A., et al., "Anatomic relations between the lumbar pedicle and the adjacent neural structures", <u>Spine</u> , 22(20), Department of Orthopaedic Surgery, Medical College of Ohio, (Oct 15, 1997), 2338-2341	
		HAIG, "Point of view", <u>Spine</u> 27 (24), 2819	
		HAIG, A. J., et al., "The relation among spinal geometry on MRI, paraspinal electromyographic abnormalities, and age in persons referred for electrodiagnostic testing of low back symptoms", <u>Spine</u> , 27(17), Department of Physical Medicine and Rehabilitation, University of Michigan, (Sep 1, 2002), 1918-1925	
		HOLLAND, N. R., et al., "Higher electrical stimulus intensities are required to activate chronically compressed nerve roots. Implications for intraoperative electromyographic pedicle screw testing", <u>Spine</u> , 23(2), Department of Neurology, Johns Hopkins University School of Medicine, (Jan 15, 1998), 224-227	
		MINAHAN, R. E., et al., "The effect of neuromuscular blockade on pedicle screw stimulation thresholds", <u>Spine</u> , 25(19), Department of Neurology, Johns Hopkins University, School of Medicine, (Oct 1, 2000), 2526-2530	

Filed: November 10, 2005

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached